

HOUSE TRANSPORTATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1035

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
EXEMPTING UTILITY SERVICE VEHICLES FROM CERTAIN TRAVEL
RESTRICTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-7-413 NMSA 1978 (being Laws 1978,
Chapter 35, Section 484, as amended) is amended to read:

"66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.--

A. The department and local highway authorities
may, in their discretion, upon application in writing and good
cause being shown, issue a special permit in writing
authorizing the applicant to operate or move a vehicle or load
of a size or weight exceeding the maximum specified in Sections
66-7-401 through 66-7-416 NMSA 1978 on any highway under the

1 jurisdiction of the state [~~highway~~] transportation commission
2 or local authorities. Except for the movement of manufactured
3 homes, a permit may be granted, in cases of emergency, for the
4 transportation of loads on a certain unit or combination of
5 equipment for a specified period of time not to exceed one
6 year, and the permit shall contain the route to be traversed,
7 the type of load to be transported and any other restrictions
8 or conditions deemed necessary by the body granting the permit.
9 In every other case, the permit shall be issued for a single
10 trip and may designate the route to be traversed and contain
11 any other restrictions or conditions deemed necessary by the
12 body granting the permit. Every permit shall be carried in the
13 vehicle to which it refers and shall be opened for inspection
14 to any peace officer. It is a misdemeanor for any person to
15 violate any of the conditions or terms of the special permit.

16 B. The department shall charge and collect, when
17 the movement consists of any load of a width of twenty feet or
18 greater for a distance of five miles or more, the sum of three
19 hundred dollars (\$300) a day or fraction thereof to defray the
20 cost of state or local police escort. The permit issued and
21 the fee charged shall be based upon the entire movement at one
22 time requiring police escort and not upon the number of
23 vehicles involved.

24 C. The department shall promulgate regulations in
25 accordance with the State Rules Act pertaining to safety

1 practices, liability insurance and equipment for escort
 2 vehicles provided by the motor carrier himself and for escort
 3 vehicles provided by a private business in this state.

4 (1) If a motor carrier provides his own escort
 5 vehicles and personnel, the department shall not charge an
 6 escort fee but shall provide the motor carrier escort personnel
 7 with a copy of applicable regulations and shall inspect the
 8 escort vehicles for the safety equipment required by the
 9 regulations. If the escort vehicles and personnel meet the
 10 requirements set forth in the regulations and if the motor
 11 carrier holds a valid certificate of public convenience and
 12 necessity or permit, as applicable, issued pursuant to Chapter
 13 65, Article 2 NMSA 1978, the department shall issue the special
 14 permit.

15 (2) If the escort service is a private
 16 business, the business shall have applied to the [~~state~~
 17 ~~corporation~~] public regulation commission for and been issued a
 18 permit or certificate to operate as a contract or common motor
 19 carrier pursuant to Chapter 65, Article 2 NMSA 1978. The
 20 [~~state corporation~~] public regulation commission shall supply
 21 copies of applicable regulations to the business by mail and
 22 shall supply additional copies upon request. If the escort
 23 vehicles and personnel meet the requirements set forth in the
 24 regulations and if the escort service holds a certificate, the
 25 special permit shall be issued and the department shall not

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1 charge an escort fee.

2 (3) The movement of vehicles upon the highways
3 of this state requiring a special permit and required to use an
4 escort of the type noted in Paragraphs (1) and (2) of this
5 subsection is subject to department authority and inspection at
6 all times.

7 (4) The state highway and transportation
8 department shall conduct engineering investigations and
9 engineering inspections to determine which four-lane highways
10 are safe for the operation or movement of manufactured homes
11 without an escort. After making that determination, the state
12 highway and transportation department shall hold public
13 hearings in the area of the state affected by the
14 determination, after which it may adopt regulations designating
15 those four-lane highways as being safe for the operation or
16 movement of manufactured homes without an escort. If any
17 portion of such a four-lane highway lies within the boundaries
18 of a municipality, the state highway and transportation
19 department, after obtaining the approval of the municipal
20 governing body, shall include such portions in its regulations.

21 D. Except for the movement of manufactured homes,
22 special permits may be issued for a single vehicle or
23 combination of vehicles by the department for a period not to
24 exceed one year for a fee of sixty dollars (\$60.00). The
25 permits may allow excessive height, length and width for a

1 vehicle or combination of vehicles or load thereon and may
 2 include a provision for excessive weight if the operation is to
 3 be within the vicinity of a municipality. Utility service
 4 vehicles, operating with special permits pursuant to this
 5 subsection, shall be exempt from prohibitions or restrictions
 6 relating to hours or days of operation or restrictions on
 7 movement because of poor weather conditions.

8 E. Special permits for a single trip for a vehicle
 9 or combination of vehicles or load thereon of excessive weight,
 10 width, length and height may be issued for a single vehicle for
 11 a fee of fifteen dollars (\$15.00).

12 F. If the vehicle for which a permit is issued
 13 under this section is a manufactured home, the department or
 14 local highway authority issuing the permit shall furnish the
 15 following information to the property tax division of the
 16 department, which shall then forward the information:

17 (1) to the county assessor of any county from
 18 which a manufactured home is being moved, the date the permit
 19 was issued, the location being moved from, the location being
 20 moved to if within the same county, the name of the owner of
 21 the manufactured home and the identification and registration
 22 numbers of the manufactured home;

23 (2) to the county assessor of any county in
 24 this state to which a manufactured home is being moved, the
 25 date the permit was issued, the location being moved from, the

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1 location being moved to, the name of the owner of the
2 manufactured home and the registration and identification
3 numbers of the manufactured home; and

4 (3) to the owner of a manufactured home having
5 a destination in this state, notification that the information
6 required in Paragraphs (1) and (2) of this subsection is being
7 given to the respective county assessors and that manufactured
8 homes are subject to property taxation.

9 G. Except as provided in Subsection H of this
10 section, if the movement of a manufactured home originates in
11 this state, no permit shall be issued under Subsection F of
12 this section until the owner of the manufactured home or his
13 authorized agent obtains and presents to the department proof
14 that a certificate has been issued by the county assessor or
15 treasurer of the county in which the manufactured home movement
16 originates showing that either:

17 (1) all property taxes due or to become due on
18 the manufactured home for the current tax year or any past tax
19 years have been paid, except for manufactured homes located on
20 an Indian reservation; or

21 (2) no liability for property taxes on the
22 manufactured home exists for the current tax year or any past
23 tax years, except for manufactured homes located on an Indian
24 reservation.

25 H. The movement of a manufactured home from the lot

1 or business location of a manufactured home dealer to its
 2 destination designated by an owner-purchaser is not subject to
 3 the requirements of Subsection G of this section if the
 4 manufactured home movement originates from the lot or business
 5 location of the dealer and the manufactured home was part of
 6 his inventory prior to the sale to the owner-purchaser;
 7 however, the movement of a manufactured home by a dealer or his
 8 authorized agent as a result of a sale or trade-in from a
 9 nondealer-owner is subject to the requirements of Subsection G
 10 of this section whether the destination is the business
 11 location of a dealer or some other destination.

12 I. No permit shall be issued under this section for
 13 movement of a manufactured home whose width exceeds eighteen
 14 feet with no more than a six-inch roof overhang on the left
 15 side or twelve inches on the right side in addition to the
 16 eighteen-foot width of the manufactured home. Manufactured
 17 homes exceeding the limitations of this section shall only be
 18 moved on dollies placed on the front and the rear of the
 19 structure.

20 J. The secretary may by regulation provide for
 21 movers of manufactured homes to self-issue permits for certain
 22 sizes of manufactured homes over specific routes; however, in
 23 no case may the cost of each permit be less than fifteen
 24 dollars (\$15.00).

25 K. The secretary may provide by regulation for

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1 dealers of implements of husbandry to self-issue permits for
2 the movement of certain sizes of implements of husbandry from
3 the lot or business location of the dealer over specific routes
4 with specific escort requirements, if necessary, to a
5 destination designated by an owner-purchaser or for purposes of
6 a working demonstration on the property of a proposed owner-
7 purchaser. The department shall charge a fee for each self-
8 issued permit not to exceed fifteen dollars (\$15.00).

9 L. Any private motor carrier requesting an oversize
10 or overweight permit shall provide proof of insurance in at
11 least the following amounts:

12 (1) bodily injury liability, providing:

13 (a) fifty thousand dollars (\$50,000) for
14 each person; and

15 (b) one hundred thousand dollars
16 (\$100,000) for each accident; and

17 (2) property damage liability, providing
18 twenty-five thousand dollars (\$25,000) for each accident.

19 M Any common motor carrier requesting an oversize
20 permit shall produce a copy of a form "e" or other acceptable
21 evidence that the common motor carrier maintains the insurance
22 minimums prescribed by the [~~state corporation~~] public
23 regulation commission. "

24 Section 2. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 2003.